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JUN 19 2009

In re Patent No. 7,406,442 : **OFFICE OF PETITIONS**
Issued: July 29, 2008 :
Application No. 09/659,585 : PATENT TERM ADJUSTMENT
Filed: September 11, 2000 :
Dkt. No.: 5793-3013 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT-POST GRANT," filed September 19, 2008. This matter is being properly treated as an application for patent term adjustment under 37 CFR 1.705(d).

The application for patent term adjustment ("PTA") under 37 CFR 1.705(d) is GRANTED.

The above-identified application matured into U.S. Patent No. 7,406,442 on July 29, 2008. The instant application for patent term adjustment was timely filed. The patent issued with a PTA of 208 days. Patentees argue that the patent is entitled to an adjustment of 209 days due to an overlap in post-allowance reductions.

Patentees' arguments have been carefully considered and found convincing.

The adjustment was reduced three days pursuant to 37 CFR 1.704(b) in connection with the submission of the issue fee. The reduction commenced January 20, 2008 and ended January 22, 2008.

The adjustment was also reduced 120 days pursuant to 37 CFR 1.704(c)(10) in connection with the Rule 312 amendment submitted January 22, 2008. The reduction commenced January 22, 2008 and ended four months later.


As both post-allowance reductions occurred on January 22, 2008, the adjustment is reduced one day and not two days to account for the overlap.

Accordingly, at the time of issuance, the application was entitled to a patent term adjustment of 209 days (adjustments totaling 701 days less reductions totaling 492 days), as argued by patentee.

The Office hereby acknowledges receipt of the required PTA application fee of \$200.00.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 209 days.

Telephone inquiries specific to this matter may be directed to the undersigned at (571) 272-3205.


Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,406,442 B1
DATED : July 29, 2008
INVENTOR(S) : Kottmeier, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 208 days

Delete the phrase "by 208 days" and insert – by 209 days--

Day : Thursday
Date: 6/18/2009**PALM INTRANET**

Time: 19:09:22

PTA Calculations for Application: 09/659585

Application Filing Date:	09/11/2000	PTO Delay (PTO):	701
Issue Date of Patent:	07/29/2008	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	493
Post-Issue Petitions:	0	Total PTA (days):	209
PTO Delay Adjustment:	1		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
119	06/18/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	1		
115.5	07/09/2008	PTA 36 MONTHS			
115	07/29/2008	PATENT ISSUE DATE USED IN PTA CALCULATION	68		107
114	07/02/2008	EXPORT TO FINAL DATA CAPTURE			
113	06/27/2008	DISPATCH TO FDC			
112	06/27/2008	APPLICATION IS CONSIDERED READY FOR ISSUE			
111	06/27/2008	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
110	01/22/2008	RESPONSE TO AMENDMENT UNDER RULE 312			
109	04/30/2008	PUBS CASE REMAND TO TC			
108	04/03/2008	FINISHED INITIAL DATA CAPTURE			
107	01/22/2008	ISSUE FEE PAYMENT VERIFIED		3	94
106	03/26/2008	WORKFLOW - QUERY REQUEST - FINISH			
105	03/21/2008	TC RETURN TO PUBS			
104	03/20/2008	ISSUE REVISION COMPLETED			
103	03/20/2008	TC RETURN TO PUBS			
102	01/22/2008	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		120	111
101	01/24/2008	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
100	01/08/2008	PUBS CASE REMAND TO TC			
99	01/22/2008	ISSUE FEE PAYMENT RECEIVED			
98	01/22/2008	TC RETURN TO PUBS			
97	01/22/2008	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
96	01/16/2008	WORKFLOW - QUERY REQUEST - BEGIN			

95	10/23/2007	EXPORT TO INITIAL DATA CAPTURE			
94	10/19/2007	MAIL NOTICE OF ALLOWANCE	12		83
93	09/06/2007	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
92	09/04/2007	ISSUE REVISION COMPLETED			
91	08/20/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
89	07/16/2007	ISSUE REVISION COMPLETED			
88	06/25/2007	DOCUMENT VERIFICATION			
87	06/25/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
86	04/20/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
85	06/25/2007	NOTICE OF ALLOWABILITY			
84	06/14/2007	DATE FORWARDED TO EXAMINER			
83	06/07/2007	RESPONSE AFTER NON-FINAL ACTION		31	81
82	06/07/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
81	02/07/2007	MAIL NON-FINAL REJECTION			
80	01/08/2007	NON-FINAL REJECTION			
79	12/14/2006	CASE DOCKETED TO EXAMINER IN GAU			
78	11/03/2006	DATE FORWARDED TO EXAMINER			
77	10/30/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
76	11/03/2006	DATE FORWARDED TO EXAMINER			
75	10/30/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
74	11/03/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
73	10/30/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
72	10/30/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
71	10/05/2006	CASE DOCKETED TO EXAMINER IN GAU			
70	08/01/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
69	08/01/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
68	07/26/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
67	07/27/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			

66	05/30/2006	NOTICE OF APPEAL FILED		91	60
65	05/30/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
64	03/14/2006	MAIL ADVISORY ACTION (PTOL - 303)			
63	03/09/2006	ADVISORY ACTION (PTOL-303)			
62	03/07/2006	DATE FORWARDED TO EXAMINER			
61	02/28/2006	AMENDMENT AFTER FINAL REJECTION			
60	11/29/2005	MAIL FINAL REJECTION (PTOL - 326)			
59	11/23/2005	FINAL REJECTION			
58	10/05/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
57	03/04/2002	REFERENCE CAPTURE ON IDS			
56	09/15/2005	DATE FORWARDED TO EXAMINER			
55	09/08/2005	RESPONSE AFTER NON-FINAL ACTION			
54	08/05/2005	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
53	08/03/2005	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
52	06/10/2005	MAIL NON-FINAL REJECTION			
51	06/07/2005	NON-FINAL REJECTION			
50	04/09/2005	DATE FORWARDED TO EXAMINER			
49	03/28/2005	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
48	04/09/2005	DATE FORWARDED TO EXAMINER			
47	03/28/2005	REQUEST FOR CONTINUED EXAMINATION (RCE)		59	38
46	04/09/2005	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
45	03/28/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
44	03/28/2005	WORKFLOW - REQUEST FOR RCE - BEGIN			
43	02/08/2005	MAIL ADVISORY ACTION (PTOL - 303)			
42	02/07/2005	ADVISORY ACTION (PTOL-303)			
41	02/01/2005	DATE FORWARDED TO EXAMINER			
40	01/24/2005	AMENDMENT AFTER FINAL REJECTION			
39	01/24/2005	WORKFLOW INCOMING AMENDMENT IFW			
38	10/28/2004	MAIL FINAL REJECTION (PTOL - 326)			
37	10/26/2004	FINAL REJECTION			
36	10/23/2004	DATE FORWARDED TO EXAMINER			

35	10/08/2004	SUPPLEMENTAL RESPONSE		60	31
34	10/08/2004	WORKFLOW INCOMING AMENDMENT IFW			
33	01/29/2001	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
32	08/19/2004	DATE FORWARDED TO EXAMINER			
31	08/09/2004	RESPONSE AFTER NON-FINAL ACTION		129	27
30	08/09/2004	WORKFLOW INCOMING AMENDMENT IFW			
29	07/19/2004	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
28	07/16/2004	DATE FORWARDED TO EXAMINER			
27.1	04/02/2004	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
27	04/02/2004	RESPONSE AFTER NON-FINAL ACTION			
26	01/05/2004	MAIL NON-FINAL REJECTION			
25	12/24/2003	NON-FINAL REJECTION			
24	10/30/2003	DATE FORWARDED TO EXAMINER			
23	10/24/2003	RESPONSE TO ELECTION / RESTRICTION FILED			
22	10/24/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
21	07/25/2003	MAIL RESTRICTION REQUIREMENT	621		-1
20	07/24/2003	REQUIREMENT FOR RESTRICTION / ELECTION			
19	06/25/2003	CASE DOCKETED TO EXAMINER IN GAU			
18	05/07/2003	CASE DOCKETED TO EXAMINER IN GAU			
17	02/12/2003	CASE DOCKETED TO EXAMINER IN GAU			
16	08/05/2002	CASE DOCKETED TO EXAMINER IN GAU			
15	04/23/2002	CASE DOCKETED TO EXAMINER IN GAU			
14	04/23/2002	CASE DOCKETED TO EXAMINER IN GAU			
13	04/23/2002	CASE DOCKETED TO EXAMINER IN GAU			
12	04/23/2002	CASE DOCKETED TO EXAMINER IN GAU			
11.7	03/04/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	03/04/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10.7	02/09/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	02/09/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	05/17/2001	CASE DOCKETED TO EXAMINER IN GAU			
8	05/04/2001	TRANSFER INQUIRY			

7	05/03/2001	TRANSFER INQUIRY			
6	02/13/2001	APPLICATION DISPATCHED FROM OIPE			
5	02/13/2001	APPLICATION IS NOW COMPLETE			
4	10/30/2000	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	10/28/2000	CORRESPONDENCE ADDRESS CHANGE			
2	09/29/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/11/2000	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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